

REMARKS

The Office Action dated October 7, 2005 has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto. Claims 17, 19 and 34 are pending in this application with claims 17 and 19 amended, claims 18 and 20 canceled and new claim 34 added in this Response. No new matter has been added. In the outstanding Office Action, the Specification was objected to under 35 U.S.C. § 132(a), claims 17-20 were rejected under 35 U.S.C. § 112, first and second paragraphs, and claims 17-20 were rejected under 35 U.S.C. § 103(a). Claims 17, 19 and 34 are presented for consideration.

35 U.S.C. § 132(a)

The Substitute Specification previously presented was objected to under 35 U.S.C. § 132(a) because the Office Action alleged the terms “authorization”, “authorized” and “permitted” were new material not supported by the original Specification. Applicant’s replacement Substitute Specification attached hereto provides a Specification which fully complies with 35 U.S.C. § 132(a). Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to the Specification.

35 U.S.C. § 112, First Paragraph

Claims 17-20 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 18 and 20 have been canceled, rendering the rejection moot with regard to these claims. Applicant has amended

claims 17 and 19 such that these claims are fully supported by the specification. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 17 and 19 under 35 U.S.C. § 112, first paragraph.

35 U.S.C. § 112, Second Paragraph

Claims 17-20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because in the first full paragraph of each claim, “the transaction amount” lacks antecedent basis. Claims 18 and 20 have been canceled, rendering the rejection moot with regard to these claims. Claims 17 and 19 have been amended such that these claims now particularly point out and distinctly claim the subject matter which applicant regards as the invention.

35 U.S.C. § 103(a)

Claims 17-20 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada et al. (U.S. Patent No. 4,713,760, “Yamada”) in view of Zaiken et al. (U.S. Patent No. 5,907,848, “Zaiken”) and further in view of the Office Action’s Official Notice. As noted above, claims 18 and 20 have been canceled, rendering these claims moot with regard to this rejection.

In making this rejection, the Office Action asserts that the combination of these two references and the Official Notice teaches and/or suggests the claimed invention. The Office Action also asserts that it would be obvious to one of ordinary skill in the art

to combine these two references with the knowledge that was well-known in the art. Applicant disagrees and requests reconsideration of this rejection.

The Office Action now takes Official Notice that it was well-known in the art at the time of the invention to define a plurality of unsettled transaction types. The Office Action provides an example from Sears asserting that Sears stores have been selling appliances on prepayment, post-delivery basis for years (commonly called selling products using a “layaway” program) and have delivered goods to preferred customers prior to receiving payment (using a credit program).

In the Official Notice, the Office Action failed to specify whether the transaction amount is summed up with the amounts from other transactions at the start of the transaction or at the completion of the transaction. However, Sears would have to sum up the transaction at some point. Consequently, it is our understanding that Sears would either sum up the transaction amount at the start of the transaction or when the transaction is completed. However, it would be unlikely for Sears to provide for summing up the transaction at both the beginning or start of the transaction and at the completion of the transaction since Sears, for tax reasons, would be required to be consistent in how it accounts for the transactions.

Consequently, the combination of Yamada, Zaiken and the Official Notice fails to teach and/or suggest the claimed invention. Regarding claim 17, the combination of these references fails to teach and/or suggest a transaction defining unit which defines both a deferred delivery transaction on the principle of occurrence and a deferred delivery transaction on the principle of completion. Regarding claim 19, the combination of these references fails to teach and/or suggest a transaction defining unit which

defines both a deferred payment transaction on the principle of occurrence and a deferred payment transaction on the principle of completion. Consequently, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 17 and 19 under 35 U.S.C. § 103(a).

New Claim

New claim 34 has been added to claim an additional embodiment of Applicant's invention. Claim 34 is a combination of the subject matter of both claims 17 and 19. Thus, new claim 34 should be allowable over the cited prior art for at least the same reasons as claims 17 and 19.

Conclusion

Applicant's amendments and remarks have overcome the objection and rejections set forth in the Office Action dated October 7, 2005. Specifically, Applicant's replacement Substitute Specification overcomes the objection to the Specification under 35 U.S.C. § 132(a). Applicant's amendments to claims 17 and 19 overcome the rejection of these claims under 35 U.S.C. § 112, first and second paragraphs. Applicant's amendments and remarks have distinguished claims 17 and 19 from the combination of Yamada, Zaiken and the Official Notice and thus overcome the rejection of these claims under 35 U.S.C. § 103(a). Applicant's remarks have distinguished new claim 34 from the cited prior art. Accordingly, claims 17, 19 and 34 are in condition for allowance. Therefore, Applicant respectfully requests consideration and allowance of claims 17, 19 and 34.

Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney by telephone if it is believed that such contact will expedite the prosecution of the application.

In the event that this paper is not considered to be timely filed, Applicant respectfully petitions for an appropriate extension of time.

The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to our Deposit Account No. 01-2300, making reference to attorney docket number 108131-00000.

Respectfully submitted,
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Enclosures: Replacement Substitute Specification
Marked-Up Copy of Replacement Specification

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